

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION - DETROIT**

IN RE:

Regina Cheri Parks,

DEBTOR.

CHAPTER 13

CASE NO. 18-56448-PJS

JUDGE PHILLIP J. SHEFFERLY

**TRUSTEE'S OBJECTION TO CONFIRMATION OF THE
DEBTOR'S FIRST MODIFIED, PRE-CONFIRMATION CHAPTER 13 PLAN**

NOW COMES the Chapter 13 Standing Trustee in this matter, David Wm. Ruskin, and objects to confirmation of the debtor's First Modified, Pre-Confirmation Chapter 13 Plan, and in support thereof states as follows:

1. As of January 23, 2019, the Trustee has not been served with a true copy of the debtor's Payment Order, nor a copy of an Electronic Transfer of Funds Payment Order, nor an Order excusing the requirement for the same, as required by E.D. Mich. L.B.R. 1007-1(c).

2. Provision III.B. states that the debtor has retained Peter F. Schneider as an other professional for post-petition services, however, the debtor's Counsel has not included any attorney fees owed to Counsel in Provision III.B.1.a. Further, the debtor's Chapter 13 Plan is inconsistent with the Statement of Attorney for Debtor Pursuant to F.R.Bankr.P. 2016(b) filed in this matter.

3. The debtor has failed to provide for any treatment of the debtor's Class 9 general unsecured claims. As such, the debtor's Plan fails to comply with 11 U.S.C. Section 1325.

4. The amount of the proposed funding in the Plan is not sufficient to pay all claims as proposed in the Plan (the Plan is underfunded). Therefore, the debtor fails to provide for the submission of sufficient future earnings or future income for the execution of the Plan as required by 11 U.S.C. 1322(a)(1).

5. Based upon the debtor's Schedule A/B, the debtor discloses a checking account with Key Bank, however, the debtor includes the value of this asset as "unknown." The Trustee requests the debtor amend Schedule A/B to provide a value for this asset so the Trustee can determine whether the debtor's Plan complies with 11 U.S.C. Section 1325(a)(4).

6. The debtor has failed to provide proof of the contributions from Woodrow Myree prior to the First Meeting of Creditors as required by 11 U.S.C. Section 521. The Trustee therefore requests that the debtor produce proof of the contributions from Woodrow Myree no later than 14 days prior to the scheduled Confirmation Hearing in order for the Trustee to determine whether the debtor's Plan complies with 11 U.S.C. Section 1325(b), 11 U.S.C. Section 1325(a)(3) and 11 U.S.C. Section 1325(a)(6).

7. Based upon the debtor's Schedules I and J, the amount of disposable income available to fund the Plan is in the amount of \$3,089.80 per month, but the Plan proposes funding only in the amount of \$2,315.16 per month as required by 11 U.S.C. Section 1325(a)(3) and 11 U.S.C. Section 1325(b)(1)(B).

WHEREFORE, the Chapter 13 Standing Trustee requests that this Honorable Court deny confirmation of the debtor's Chapter 13 Plan.

OFFICE OF DAVID WM. RUSKIN,
STANDING CHAPTER 13 TRUSTEE

Dated: January 25, 2019 By: /s/ Lisa K. Mullen
DAVID WM. RUSKIN (P26803)
LISA K. MULLEN (P55478)
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**CERTIFICATE OF SERVICE OF TRUSTEE'S OBJECTION TO
CONFIRMATION OF THE DEBTOR'S FIRST MODIFIED,
PRE-CONFIRMATION CHAPTER 13 PLAN**

I hereby certify that on January 25, 2019, I electronically filed the Trustee's Objection to Confirmation of the debtor's First Modified, Pre-Confirmation Chapter 13 Plan with the Clerk of the Court using the ECF system which will send notification of such filing to the following:

The following parties were served electronically:

CLAYSON SCHNEIDER & MILLER PC
645 GRISWOLD SUITE 3900
DETROIT, MI 48226-0000

The following parties were served via First Class Mail at the addresses below by depositing same in a United States Postal Box with the lawful amount of postage affixed thereto:

Regina Cheri Parks
6036 Jennifer Crescent
West Bloomfield, MI 48324-0000

/s/ Vanessa Wild

Vanessa Wild
For the Office of David Wm. Ruskin
Chapter 13 Standing Trustee-Detroit
1100 Travelers Tower
26555 Evergreen Road
Southfield, MI 48076-4251
(248) 352-7755